Claim Status

Claims 1 and 11 have been rewritten. Claims 1-20 remain pending in the application.

REMARKS/ARGUMENTS

Claims 1-20 were rejected under 35 U.S.C. 103(a) over Manzardo (US 6,452,946) in view of Ofer (US 6,353,869).

Manzardo was previously applied to reject the claims based on lack of novelty. In responding to the rejection, Applicant pointed out that Manzardo does not discuss or show transmitting a delay frame as claimed by Applicant. As explained in the instant specification, for example at page 7, lines 2-5, the polled station transmits a delay frame if the polled station cannot respond to the polling station fast enough to prevent the polling station from repolling due to a lack of response from the polled station as the polled station searches its buffer for information destined to the polling station. If the polling frame contains data, the delay frame may contain an acknowledgement. If the polling frame does not contain data, the delay frame does not contain an acknowledgement. The delay frame simply tolls the repolling clock in the polling station, effectively.

Manzardo describes a PBX system which polls line cards. Each line card waits for its turn to be polled, whereupon it responds. As previously pointed out, the PBX system of Manzardo does not show the line cards responding with a delay frame. FIGs. 3 and 8 show the transactions described by Manzardo. The only responses by the line cards are receive ready (RR) or information frames (I-Fr). No delay frame is shown. If there were a delay frame, there would be a subsequent non-delay frame shown. However, only one response is every shown in response to a poll. A delay in not needed because the line card is typically waiting to be polled, and has information or status information ready to transmit. The Rejection points to col. 4, lines

10-32 as showing Applicant's delay frame followed by a non-delay frame. What Manzardo describes is the line card responding only one time to each transmission by the PBX. Thus it should be clear that Manzardo does not show the delay frame followed by non-delay frame as claimed by Applicant. To further clarify, Applicant has amended claims 1 and 11 to indicate that both the delay frame and the non-delay frame are transmitted in response to the same polling frame. There is no intermediate transmission by the polling station. In Manzardo, there may be an acknowledge frame and a subsequent information frame, but they are sent in response to different transmissions from the PBX, as shown in FIGs. 3 and 8.

Ofer was asserted as showing that the delay frame is sent for the purpose of preventing a repolling procedure by the polling station. Ofer shows a system for a multiprocessor environment to control access to a shared resource, such as a storage device. The shared resource has a lock queue in which a requesting entity places a lock request. As other entities use the resources and release the resource, each lock request in the queue is advanced. The requesting entities may check the status of their lock requests. Ofer describes a procedure for delaying its lock request polling based on the position of its request in the request queue. What Ofer shows, therefore, is effectively a means for scheduling repolling, not avoiding repolling. Ofer, assuming *arguendo* that Ofer would be found to relate to communication transactions, is therefore teaching the opposite of what Applicant is claiming. Ofer teaches a way to dynamically control repolling, whereas Applicant's claimed invention avoids repolling. One skilled in the art seeking to avoid repolling would not use the teaching of Ofer, alone or in combination with Manzardo.

No amendment has been made to narrow the scope of the claims unless so stated. The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any fee due, or credit any overpayment, to Motorola, Inc., Deposit Account Number 50-2117.

Respectfully submitted,

Date: November 26, 2007

By: _____ /Scott M. Garrett/ _____

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